IN RE: FETITION FOR SPECIAL HEARING

N/S Pennsylvania Avenue, 100' W of Central Avenue (402 W. Pennsylvania Avenue)

* DEPUTY ZONING COMMISSIONER 9th Election District * OF BALTIMORE COUNTY 4th Councilmanic District

Claudia L. Brookes Petitioner

* * * * * * * * * * *

* Case No. 89-68-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an extension of time for the utilization of a special hearing granted in Case No. 86-519-SPH, which modified Case No. 77-206-XA, for a period of three years, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was Paul H. Brookes, Petitioner's husband. There were no Protestants.

Testimony indicated that the subject property, known as 402 West Pennsylvania Avenue, is zoned R.O. and is currently improved with a two and one-half story brick office building. The subject property was granted a special exception for office use in Case No. 77-206-XA. On June 24, 1986, Case No. 86-519-SPH, the Petitioner's predecessor in interest, Weyrich, Cronin and Sorra, were granted the right to amend the site plan filed in the special exception case to permit an addition to the rear of the existing office building. The site plan submitted herein and identified as Petitioner's Exhibit 1 is the same site plan which was approved in the 1986 special hearing.

Testimony further indicated that the Petitioner purchased the subject property in late 1986 and rented the premises to her husband's publishing business. Due to the expansion of her husband's business,

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in TOWSON TIMES, a weekly newspaper published in

Towson, Baltimore County, Md., once in each of _____ successive

weeks, the first publication appearing on August 1988

TOWSON TIMES.

Petitioner desires to construct the addition as proposed by her predecessor and approved in Case No. 86-219-SPH. Petitioner testified the character of the surrounding neighborhood is the same as it was when the Order permitting the addition was issued in June of 1986.

Pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), a special exception is deemed to have expired if not utilized within two (2) years of the date of the final Order granting such special exception, unless an extension, not exceeding a total of five (5) years, is granted.

On April 8, 1988, Petitioner wrote J. Robert Haines, Zoning Commissioner, requesting an extension of the time frame in which to utilize the relief granted in the special hearing. Petitioner was advised that an extension could only be granted after a public hearing. Prior to the expiration of the deadline for utilization, June 23, 1988, Petitioner filed the instant Petition for Special Hearing to approve an extension for a period of three (3) years.

Testimony presented indicated that Petitioner has not changed the plans originally submitted by her predecessor in the Petition for Special Hearing in Case No. 86-519-SPH. Further, Petitioner testified that she has discussed the matter with contractors and intends to proceed with the construction of the proposed addition.

After due consideration of the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted. There was no testimony that there was any change in conditions from the time the original special exception was granted to the present that would indicate that the proposed use would result in any detriment to the neighborhood or adversely affect the public interest.

> 89-68-3PH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 9 thi	Date of Posting September 2	198
74	PATIONAL	
Petitioner: Claudice:	1. Brooks	
Petitioner:	1 . D. ion W/ Central Base:	
Location of property:	J. and	
(402 W. Pennsylvas	f 420 West Pennsylvania are.	
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Remarks:	0 0 103	~~~~·
Posted by - S. J. Asata.	Date of return: September 9, 198	1_2
Posted by - Signature	·	

CERTIFICATE OF PUBLICATION

NOTICE OF HEATING The Zorting Commissioner of Baltimore County, by authority of the Zorting Act and Fisquistions of Baltimore County will hold a public hearing on the properly identified hisrain in Room 106 of the County Office Building, located at 111 W. Cheespeake Avenue in Towson, Marytand as follows: Petition for Special Hearing Case number: 88-68-SPH NS Penne, fvaria Avenue, 100' W Central Avenue (402 W. Penneylvania Avenue)
9th Election District
4th Councilmanic
Petitioner(s):
Claudia L. Brucks
Hearing Date: Tuesday,
Sept. 20, 1988 at 9:00 a.m. Special Hearing: to approve an extension of time for utilization of CASE #86-619-SPH which moliciaed CASE 77-208-XA for a period of three (3) years.

In the event that this Polition is granted, a building permit may be issued within the thirty (30) de appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the leperiod for good cause shown.
Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Qua 25,19 88

THE JEFFERSONIAN,

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS NORDERED by the Deputy Zoning Commissioner for Baltimore County this day of September, 1988, that the retition for Special Hearing to approve an extension of time for the extilization of the relief granted in previous Case No. 86-519-SPH, for a period of three years beginning June 24, 1988, be and is hereby GRANTED, from and after the date of this Order.

> (MNastawin ANN. M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bis

GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.

June 13, 1988

F.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany a Special Hearing For an Extension to the Time Utilization of Case #86-519SPH.

Beginning at a point located North 63° 00' 00" West 135.00 feet from the intersection of the centerlines of Central Avenue and Pennsylvania Avenue running thence in a clockwise direction:

FROM THE OFFICE OF

- 1) North 76° 00' 00" West 50.00 feet:
- 2) North 14° 00' 00" East 150.00 feet: 3) South 76° 00' 00" East 50.00 feet:
- 4) South 14° 00' 00" West. 150.00 feets to the point of beginning. Containing 0.172 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY).



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissione

September 23, 1988

Newton A. Williams, Esquire Nolan, Plumhoff & Williams Mr. & Mrs. Steven C. Nichols Swite 1/05 9218 Gardenia Road RE: PETITION FOR SPECIAL HEARING

N/S Pennsylvania Avenue, 100' W of Central Avenue (402 W. Pennsylvania Avenue) 9th Election District - 4th Councilmanic District

Claudia L. Brookes - Petitioners Case No. 89-68-SPH Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A Nastanowia ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

AMN:bjs

File

Contract Purchaser:

cc: People's Counsel

Dennis F. Rasmussen

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ an extension of time for utilization of Case #86-519-SPH which

modified Case #77-206-XA for a period of three (3) years.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition MAP 30	
		NE 10A
	Legal Owner(s): Claudia L. Brooks	E. D
 :	(Type or Print Name) (Landid J. Burks	DATE V17/89
	Signature	1000 <u>BF.</u>
	(Type or Print Name)	DF

I/We do solemnly declare and affirm,

N37,780 E1,540 PRIORCASE 86-519 828 Kingston Road 659-0220 86194 Baltimore, Maryland 21212

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

missioner of Baltimore County, this that the subject matter of this petition be advertised, as imore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore day of furture, 1988, at 2. o'clock

AVAILABLE FOR HEARING
HON./TUES./WED. - NEXT TWO MONTHS

ESTIMATED LENGTH OF HEARING

The Zoning Commissioner of Balamore County, by authority of the Zoning Act and Requiseons of Balamore County will hold a public hearing on the properly identified transin in Rooms 105 of the County Office Building, (s-cated at 711 W. Chesapeans Av-anus in Townen, Maryland as fol-Petition for Special Hearing Case munitier 80-85-SPH NS Pennsylvania Avenue, 100' VY Central Avenue (402 W. Pennsylvania Avenue)
Sh Election District
Ah Councilments
Politioner(s):
Clancia L Brooks
Hearth Code: Tuesday,
Ser /8, 7/88 at P00 a.m.

Special Huering: to approve an extension of time for utilization of CASE #66-519-SPH which molidied CASE 77-206-XA for a parod of three (3) years.

In the event that this Postion is pranted, a building permit may be itsued within the thirty (30) day appeal period. This Zoning Commissionar will, however, entertain of the transporter will.

J. ROBERT HAINES

any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in wreing and received in this office by the date of the hearing set above or presented at the hearing. T/728 Aug. 24.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 J. Robert Haines
Zoning Commissioner

Ms. Claudia L. Brooks 828 Kingston Road Baltimore, Maryland 21212

> Petition for Special Hearing CASE NUMBER: 89-68-SPH NS Pennsylvania Avenue, 100 W Central Avenue (402 W. Pennsylvania Avenue) 9th Election District - 4th Councilmanic Petitioner(s): Claudia L. Brooks HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 9:00 a.m.

Please be advised that \(\frac{\frac{1}{0.50}}{10.50}\) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Piease make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office it along with the sign(s) and post(s) to the Zoning Office, County Office

No. 059328 BALTIMORE COUNTY, MARYLAND nd post set(s), there OFFICE OF FINANCE - REVENUE DIVISION INISCELLANEOUS CASH RECEIPT or each set not K-01-615-000 9/2./58/caring BVALIDATION OR SIGNATURE OF SAGNIER 3 2 0 & F

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing Case Number: 89-68-5PH NS Pennsylvania Avenue, 100' W Central Avenue (402 W. Pennsylvania Avenue) 9th Election District - 4th Councilmanic Petitioner(s): Claudia L. Brooks HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 9:00 a.m.

Special Hearing: to approve an extension of time for utilization of CASE #86-519-SPH which modified CASE 77-206-XA for a period of three (3) years.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissione

July 25, 1988



Dennis F. Rasmussen The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

NOTICE OF HEARING

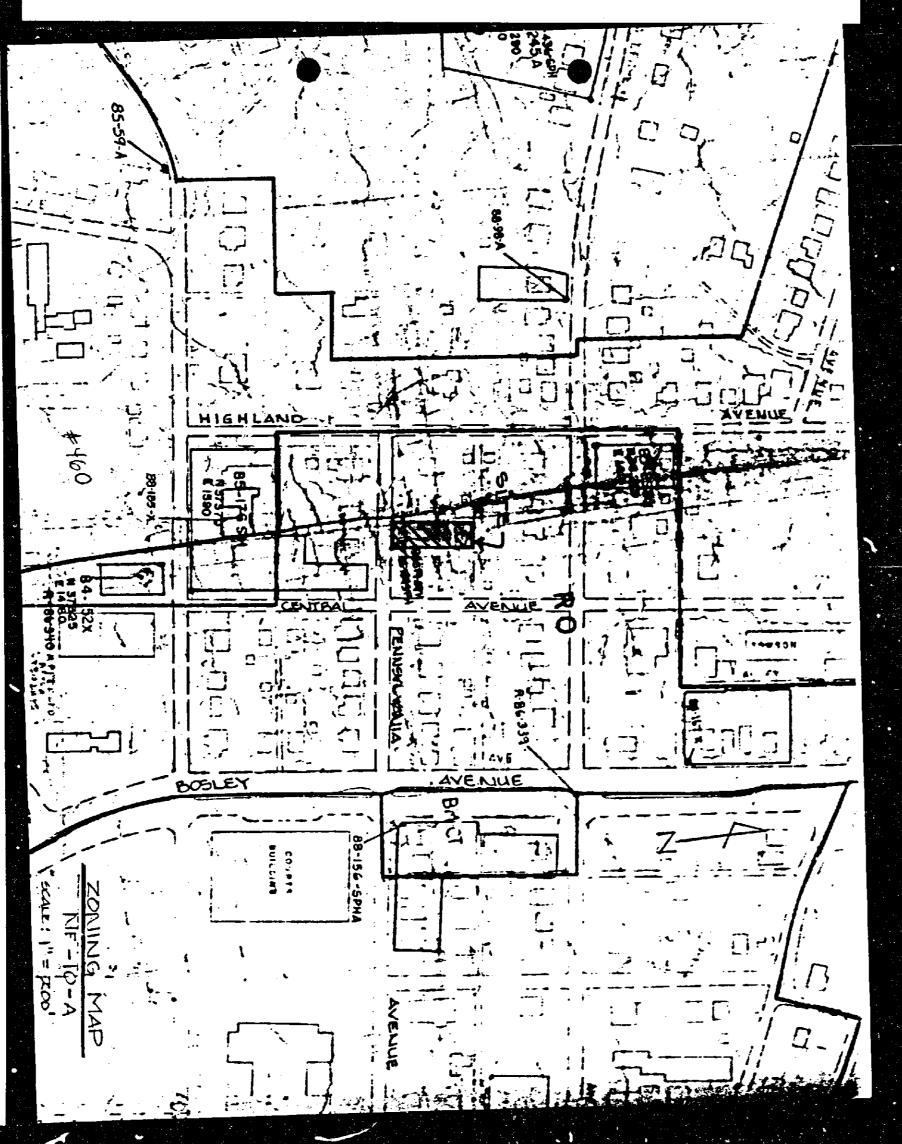
Petition for Special Hearing CASE NUMBER: 89-68-SPH NS Pennsylvania Avenue, 100' W Central Avenue (402 W. Pennsylvania Avenue) 9th Election District - 4th Councilmanic Petitioner(s): Claudia L. Brooks HEARING SCHEDULED: TUESDAY, SEPTEMBER 20, 1988 at 9:00 a.m.

Special Hearing: to approve an extension of time for utilization of CASE #86-519-SPH which modified CASE 77-206-XA for a period of three (3) years.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

.1. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Ms. Claudia L. Brooks Newton A. Williams, Esq.



89-68-SPH BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204 Your petition has been received and accepted for filing this ______ day of ______, 1988. VZONING COMMISSIONER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 8, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Haryland 21200 Newton A. Williams, Esquire Nolan, Plumhoff & Williams, Chtd.

Bureau of Department of State Roads Commission

Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

RE: item No. 460 - Case No. 89-68-SPH Petitioner: Claudia L. Brooks Petition for Special Hearing

Dear Mr. Williams:

Suite 1105, Hampton Plaza

Towson, Maryland 21204-3012

300 East Joppa Road

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

games & Dyerlet JAMES E. DYER Chairman Zoning Plans Advisory Committee

cc: George W. Stephens, Jr. & Associates 303 Allegheny Avenue Towson, Maryland 21204

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Item No.: 460

Petitioner Claudia L. Brocks

Attorney Teston A. Williams

Petitioner's

Paul H. Reincke

July 15, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Claudia L. Brooks

Location: N/S Pa. Avenue, 100' W. of Central Ave. 402 W. Pennsylvania Avenue

Zoning Agenda: Meeting of 7/5/88

Advisory Committee

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($_{\rm X}$) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

REVIEWER: Call Joseph July 7-15 ff Approved:

Planning Group

Special Inspection Division

The Fire Prevention Bureau

Fire Prevention Bureau

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

Dear Mr. Haines:

July 25, 1988

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

The Bureau of Traffic Engineering has no comments for items number 458, 459, 460, 462, 464, 465, 467, 468, 470, and 471.

Very truly yours,

Assistant Traffic Engineer

SEW/RF/cps



BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner Pat Keller, Deputy Director
Office of Planning and Zoning

Date____August 30, 1988___

SUBJECT Zoning Advisory Committee Comments

402 West Pennsylvania Avenue - No. 460 Zoning Petition 89-68-SPH The Office of Planning and Zoning does not object to the extension of time for this project.

cc: Newton Q. Dilliams, Ex. 9-8-88/

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

402 W. Pennsylvania Lue. Toward 21204 NEWTON A. WILLIAMS Paul H. Brooker 828 Kingston Rd. Baltimore, MDZ1212 Claudia L. Brookes

Ms. Claudia L. Brooks

It is suggested that you file for an extension to the utilization time from the amendment order without delay since the time would expire on June 24, 1988. Please contact me in this office for any assistance that I could give you in the application.

Very truly yours,

W. Carl Richards, Jr Zoning Coordinator

Zoning Supervisor

April 26, 1988

WCR,Jr.:dt cc: Files 86-519SPH 77-206XA

Claudia L. Brookes 828 Kingston Road Baltimore, Maryland 21212

April 8, 1988

J. Robert Haines Zoning Commissioner Mail Drop #1108 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Haines:

REF: 402 West Pennsylvania Avenue, Towson, Maryland 21204

The subject property was granted a special exception for offices and variences by Case No. 77-206-XA. Utilization of the existing structure occurred at that time.

In 1986, the owners requested a special hearing to remove a restriction limiting change to the exterior of the building and to allow a building addition to the rear of the structure. Such was granted on June 24, 1986, in Case No. 86-519-SPH. The property was transferred from the petitioners to the present owner in December, 1980.

Presently, the need for the building addition will not occur for approximately one year.

As owner of the property, I would like clarification as to whether the special hearing, amending the special exception, is subject to the time restrictions found in Section 502-3, BC2R.

Newton Williams, counsel for the previous owners, is consulting with me on this matter.

An early answer would be most appreciated. Thank you for your assistance on this matter.

Sincerely yours,

Claudia L. Brookes cc: Newton Williams James E. Dyer

Carl Richards

-- Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoung Commissioner

April 26, 1988

Ms. Claudia L. Brookes 828 Kingston Read Baltimore, Maryland 21212

RE: 402 West Pennsylvania Avenue Cases 77-206XA and 86-519SPH, Special Exception Utilization Time

Dear Ms. Brookes:

Your letter of April 8, 1988 to J. Robert Haines, Zoning Commissioner has been referred to me for reply. You have requested that the Zoning Commissioner determine whether or not a Special Hearing (granted) to amend an original Special Exception would be subject to the same two year utilization time as the original hearing was subject to pursuant to S.502.3 (B.C.Z.R.).

You have also stated that you have consulted with Newton Williams, counsel for the previous owners, and that you would appreciate a prompt reply.

Please excuse the delay in this response which is due to the office workload in this very busy time of the year.

In answering your question it is important to point out that when an originally granted Special Exception is proposed to be amended through the public hearing process, even though the original Special Exception is in place and the utilization documented, that the Zoning Commissioner reconsiders the same principles and conditions outlined in S.502.1 (precedant to granting the amendment). The original plan and proposal may not be in jeopardy, but there is a new full determination by the Zoning Commissioner that the amendment would meet all of the special exception conditions. Because the amendment is reevaluated in the same manner as the original hearing, utilization of the amendment portion of the plan would be subject to the two year utilization time, the same as the original hearing and plan.

Claudia L. Brookes 828 Kingston Road Baltimore, Horyland 21212 377-2443 (home) 659-0220 (Work)

J. Robert Haines Zoning Commissioner Mail Drop #1108

111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Haines:

April 1, 1988

REF: 402 West Pennsylvania Avenue, Towson, Maryland 21204

The subject property was granted a special exception for offices and variences by Case No. 77-206-XA. Utilization of the existing structure occurred at that time.

In 1986, the owners requested a special bearing to remove a restriction limiting change to the extenior of the building and to allow a building addition to the rear of the structure. Such was granted on June 24, 1980, in Case No. 86-519 conf. The property was transferred from the publishmens, to the present owner in pesember, 1986.

Presently, the need for the building addition will not occur for approximately one man.

As owner of the property, I would like charitheation as to whether the special hearing, amending the special exception, is subject to the time restrictions found in Section 502-3, ac28.

Thank you for your absistance on this matter

Sincerely yours,

Claudia L. brocken

1:5

